

REMARKS

This amendment is in response to the Office Action (Paper No. 10142005) mailed on the 18th of October, 2005. Upon entry of this amendment, claims 1-22 will be pending. Applicant has newly added claims 21 and 22 by this amendment.

In Paragraph 2 of Paper No. 10142005, the Examiner objected to FIGS. 1 and 2 and asked that these figures be labeled "Prior Art". Applicant has the following comments:

In Paper No. 10142005, the Examiner states:

"Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated."

Manual of Patent Examining Procedure (MPEP) §608.02(g) states:

"Figures showing the prior art are usually unnecessary and should be cancelled, *Ex parte Elliott*, 1904 C.D. 103, 109 O.G. 1337 (Comm'r Pat. 1904). However, where needed to understand applicant's invention, they may be retained if designated by a legend such as "Prior Art."

If the prior art figure is not labeled, form paragraph 6.36.01 may be used.

Figure [1] should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. (See MPEP §608.02(g)."

Applicants have explained that Figures 1 and 2 are not "Prior Art".

First, in Paper No. 20050406, the Office action dated 14 April 2005, the Examiner asserted that "Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated" and cited §608.02(g) of the *Manual Patent Examining Procedure* (MPEP). The

term “Prior Art” is defined by statute, not by the MPEP. Specifically, 35 U.S.C. §103(a) and (b) define the term “Prior Art” by reference to the several paragraphs of 35 U.S.C. §102. Nothing in any paragraph of §102, however, states that subject matter “which is *old*” constitutes prior art, as asserted by the Examiner in page 2 of the Office action, Paper No. 20050406. In short, and contrary to the assertion of the Examining staff, the age of the subject matter does not convert that subject matter into prior art, as the term “prior art” is defined by the law of the United States. Consequently, the Examiner’s sole rational for imposing the requirement that Figures 1 and 2 be labeled as “Prior Art” is contrary to statute and improper. The requirement must be therefore be withdrawn.

Second, Figures 1 and 2 are not themselves believed to constitute “Prior Art” as that term is defined by either 35 U.S.C. §102 or 35 U.S.C. §103. The Examiner has introduced no evidence into the record of this application which would either contradict Applicants’ belief or establish that Figures 1 and 2 constituted *prior art*, as that term is defined by statute. As evidenced from the Declaration/Oath, the Applicants are citizens of Republic of Korea, and, as such, devised Figures 1 and 2 in Korea in order to illustrate Applicants’ discovery of problems plagued in the art. Therefore, since there is no showing that Figures 1 and 2 were known to anyone other than the Applicants *in this country* nor is there a showing that Figures 1 and 2 were *patented or published in this country or a foreign country*, then Figures 1 and 2 can not be deemed to be “Prior Art” absent evidence to the contrary.

Third, Figures 1 and 2 are simply abstract representations of the art prepared by the

Applicants in an effort to illustrate Applicants' discovery of problems plagued in the art in accordance with 37 C.F.R. §1.83(b); this discovery is itself, together with Applicants' abstraction of the art represented by Figures 1 and 2, part of the Applicants' invention. By identifying deficiencies in the prior art and then addressing those deficiencies, Applicants complete the inventive process. As such, Applicants' effort to identify deficiencies or other undesirable features in the art, does not constitute "Prior Art" as that term is used under 35 U.S.C. §103, and defined by 35 U.S.C. §§102(a)-(g).

Fourth, there is no evidence that Figures 1 and 2 exist in any printed form other than in the present application and its priority document. There is evidence to indicate that Applicants devised the subject matter in Figures 1 and 2 however, and that evidence lies in the fact that the only existence of Figures 1 and 2 are in the present application and its priority document.

For the above reasons, Applicant traverses the Examiner's requirement that FIGS. 1 and 2 be labeled "Prior Art".

In Paragraph 4 of Paper No. 10142005, the Examiner rejected claim 16 under 35 U.S.C. 102(e) as being anticipated by either U.S. Pat. Pub 2004/0056597 to Ko or U.S. Pat. Pub 2005/0023979 to Kang. Applicant has the following comments:

Applicant's claim 16 reads, "a plurality of sets of dummy ribs disposed on one of the upper

and the lower substrates and being disposed outside the display portion of the plasma display panel, wherein each set of dummy ribs being designed to withstand sandblasting, each set of dummy ribs causing said upper substrate to be spaced a predetermined distance from the lower substrate”.

In Paper No. 10142005, the Examiner indicates that Ko and Kang teach dummy barrier ribs outside the display region. From this, the Examiner rationalizes that Ko and Kang meet the limitations of Applicant’s claim 16 because, “applicant’s recitation that the dummy ribs be able to withstand sandblasting does not structurally distinguish the claims from the prior art, which teaches dummy ribs, since this is only a matter of degree. One could lightly sandblast which would not effect the dummy ribs”. Applicant disagrees.

Applicant submits that the Examiner’s assertion that the dummy barrier ribs of Ko and/or Kang can withstand minimal sandblasting is entirely unsupported. Applicant submits that there is no evidence, no teaching and no suggestion in either Ko or Kang that any of the dummy barrier ribs can withstand light sandblasting. Further, there is no evidence in either Ko or Kang that the ability to withstand sandblasting was ever a design consideration in the design of the dummy barrier ribs of Ko or Kang. Specifically, Ko as well as Kang provide no factual basis supporting the Examining staff’s assertion. For these reasons, the rejection of paragraph 4 of Paper No. 10142005 is without merit.

Applicant further submits that neither Ko nor Kang disclose dummy barrier rib designs that

could withstand sandblasting. Neither Ko nor Kang disclose dummy barrier rib designs such as closed hollow structures, zig zag structures, or dummy barrier ribs having connecting portions that Applicant teaches will withstand sandblasting. The fact that neither Ko nor Kang disclose any of the reinforcing rib designs disclosed by Applicant is further evidence that the prior art is absent of a teaching of a dummy barrier rib that withstands sandblasting. Because of that absence of a disclosure of any of the reinforcing rib designs disclosed by Applicant in Ko and Kang, and because a total absence of a teaching or a suggestion in Ko or Kang that the dummy barrier ribs need to be designed to withstand sandblasting, Applicant submits that the rejection of paragraph 4 of Paper No. 10142005 is without merit, and under the guidance of the Federal Circuit given in *In re Lee*, 61 USPQ 2D 1430 (Fed. Cir. 2002), this rejection may not be sustained.

Applicant further notes that MPEP 2173.05 (g) states, "In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions . . . being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)." Applicant submits that the words "designed to" in claim 16 is analogous to "adapted to" of MPEP 2173.05 (g) as being a precise structural limitation.

In Paragraph 5 of Paper No. 10142005, the Examiner rejected claim 16 under 35 U.S.C. 102 (b) as being anticipated by USP 5,844,639 to Togawa, USP 5,886,467 to Kimura or JP 2001-

160360 to Saito. Applicant has the following comments:

Applicant's claim 16 claims, "a plurality of sets of dummy ribs disposed on one of the upper and the lower substrates and being disposed outside the display portion of the plasma display panel, wherein each set of dummy ribs being designed to withstand sandblasting, each set of dummy ribs causing said upper substrate to be spaced a predetermined distance from the lower substrate".

In Paper No. 10142005, the Examiner indicates that Togawa, Kimura and Saito teach dummy barrier ribs outside the display region. From this, the Examiner rationalizes that Togawa, Kimura and Saito meet the limitations of Applicant's claim 16 because, "applicant's recitation that the dummy ribs be able to withstand sandblasting does not structurally distinguish the claims from the prior art, which teaches dummy ribs, since this is only a matter of degree. One could lightly sandblast which would not effect the dummy ribs". Applicant disagrees.

Applicant submits that the Examiner's assertion that the dummy barrier ribs of Togawa, Kimura and/or Saito can withstand minimal sandblasting is entirely unsupported by the evidence of record. Applicant submits that there is no evidence, no teaching and no suggestion in either Togawa, Kimura or Saito that any of the dummy barrier ribs can withstand light sandblasting. Further, there is no evidence in either Togawa, Kimura or Saito that the ability to withstand sandblasting was ever a design consideration in the design of the dummy barrier ribs of Togawa, Kimura or Saito. For these reasons, the rejection of paragraph 5 of Paper No. 10142005 is without merit.

Applicant further submits that neither Togawa, Kimura nor Saito disclose dummy barrier rib designs that could withstand sandblasting. Neither Togawa, Kimura or Saito disclose dummy barrier rib designs such as closed hollow structures, zig zag structures, or dummy barrier ribs having connecting portions that Applicant teaches will withstand sandblasting. The fact that neither Togawa, Kimura or Saito disclose any of the reinforcing rib designs disclosed by Applicant is further evidence that the prior art is absent of a teaching of a dummy barrier rib that withstands sandblasting. Because of that absence of a disclosure of any of the reinforcing rib designs disclosed by Applicant in Togawa, Kimura and Saito, and because a total absence of a teaching or a suggestion in Togawa, Kimura or Saito that the dummy barrier ribs need to be designed to withstand sandblasting, Applicant submits that the rejection of paragraph 5 of Paper No. 10142005 is without merit.

Applicant further notes that MPEP 2173.05 (g) states, "In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions . . . being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. In re Venezia, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)." Applicant submits that the words "designed to" in claim 16 is analogous to "adapted to" of MPEP 2173.05 (g) as being a precise structural limitation.

In Paragraph 6 of Paper No. 10142005, the Examiner rejected claims 1, 5 and 16 under 35

U.S.C. 102 (b) as being anticipated by USP 6,400,080 to Tanaka. Applicant has the following comments:

Regarding Applicant's claim 1, Applicant claims that the reinforcing rib is of a different design than that of the non-reinforcing dummy ribs. In Paper No. 10142005, the Examiner states that this is taught by Tanaka as dummy rib 8 in Tanaka is shorter than dummy ribs 7 and 9. Applicant submits that column 2, lines 61-63 and column 3, lines 12-18 of Tanaka which expressly contradict the Examining staff, state that each of the dummy ribs 7, 8 and 9 in Tanaka are of the same height and width as that of the barrier ribs 5 in Tanaka within the display region. Thus, each of the dummy ribs are essentially of the same design as compared to each other and as compared to barrier ribs 5 of Tanaka. Therefore, Applicant submits that Tanaka as a whole does not essentially teach a reinforcing dummy barrier rib having a different design than non-reinforcing barrier ribs.

Further, Applicant submits that there is no teaching or suggesting in Tanaka that dummy rib 8 of Tanaka is any more reinforcing or any better able to withstand sandblasting than dummy ribs 7 and 9 of Tanaka. Generally, sandblasting is a technique that employs abrasion in the formation of plasma display panels, whereas in paragraph [0035] Applicant teaches a geometric structure that can efficiently resist the abrasion generated during sandblasting in the manufacture of plasma display panels. Additionally, Applicant submits that there is a total absence of a teaching of considering the ability to withstand sandblasting in the design of the dummy barrier ribs of Tanaka. *Nicolas V. Perricone, M.D. v. Medicis Pharmaceutical Corporation*, ___ F. 3d ___, #05-1022, -1023 (Fed.

Cir. 20 December 2005) citing *Hewlett-Packard Co. v. Mustek Sys. Inc.*, 340 F. 3d 1314, 1324 n.6 (Fed. Cir. 2003) "The anticipation analysis asks solely whether the prior art reference discloses an enables the claimed invention, and not how the prior art characterizes that disclosure or whether alternatives are also disclosed." Because of this, Applicant submits that Tanaka does not meet the claim language of Applicant's claim 1.

Regarding Applicant's claim 16, Applicant claims that the dummy barrier ribs are designed to withstand sandblasting. In paragraph 6 of Paper No. 10142005, the Examiner indicates that the dummy barrier ribs of Tanaka can withstand light sandblasting and thus reads on Applicant's claims. Applicant disagrees. Applicant submits that the Examiner's assertion that one or more of the dummy barrier ribs of Tanaka can withstand light sandblasting is entirely unsupported. Applicant submits that there is no evidence, no teaching and no suggestion in Tanaka that any of the dummy barrier ribs of Tanaka can withstand light sandblasting. Further, there is no evidence in Tanaka that the ability to withstand sandblasting ever was a consideration in the design of the dummy barrier ribs in Tanaka. For these reasons, Applicant submits that the rejection of claim 16 using Tanaka is entirely without merit.

In Paragraph 8 of Paper No. 10142005, the Examiner rejected claims 1-15 and 17-20 under 35 U.S.C. 103 (a) as being unpatentable over any of Ko, Kang, Togawa, Kimura and Saito in view of USP 6,090,464 to Yoo. The Examiner relies on Ko, Kang, Togawa, Kimura and Saito for a teaching of a dummy barrier rib and on Yoo for a teaching of the closed structure. For this, the

Examiner deduces that the combined teachings of these references would result in the closed structure of Yoo used in the barrier ribs of the primary references to arrive at Applicant 's claimed invention. Applicant disagrees.

To begin with, Applicant submits that the closed structure of Yoo is not and can not be used in a barrier rib design. This is because the closed structure of Yoo is not part of a barrier rib. This is because the closed structures of Yoo are too large to be considered to be incorporated into a barrier rib design. Column 3, line 1 of Yoo states that each closed structure is occupied by at least 10 pixels. This is far too large to be considered to be a barrier rib design. Barrier rib designs are much smaller, and are located between individual pixels and surround or bound individual pixels and prevent crosstalk between neighboring pixels. In Yoo, the closed structures are vastly too large to be considered to be a barrier rib design or to be considered to be applied to a barrier rib design. Because of this, Applicant submits that it was inappropriate for the Examiner to conclude that the combined teachings of the primary references and Yoo would teach a design for a dummy barrier rib having the closed structures of Yoo.

Another reason why the closed structure of Yoo is not suggestive of a new barrier rib design is that the closed structure of Yoo is consistent across the entire substrate, through both the image and the non-image areas of the substrate and unvarying in each of these regions. A novel feature of Applicant's claimed invention is that one or more of the barrier ribs in the non-image area has a special design different from the other barrier ribs to withstand sandblasting. Applicant submits that

if the primary references were to be modified according to Yoo and if Yoo could be considered to be suggestive of a barrier rib design, the combined teachings would teach a uniform design for the barrier ribs in all areas of the substrate, both in the display and in the non-display areas. This is contrary to Applicant's claimed invention. Because Yoo's closed ring structure is unvarying, Applicant submits that the combined teachings of the primary references and that of Yoo could not possibly result in Applicant's claimed invention.

Applicant further notes that neither Yoo nor the 5 primary references in paragraph 8 of Paper No. 10142005 ever consider the ability to withstand sandblasting in designing the structures of these references. This too is further evidence that the combined teachings of the references in Paragraph 8 of Paper No. 10142005 do not teach Applicant's claimed invention.

In Paragraph 9 of Paper No. 10142005, the Examiner rejected claims 2-4, 6-15 and 17-20 under 35 U.S.C. 103 (a) as being unpatentable over Tanaka in view of Yoo. The Examiner relies on Takana for a teaching of a dummy barrier rib and on Yoo for a teaching of the closed structure. From this, the Examiner deduces that the combined teachings of these references would result in the closed structure of Yoo used in the barrier ribs of the primary references to arrive at Applicant's claimed invention. Applicant disagrees.

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Applicant further notes that neither Yoo nor Tanaka ever consider the ability to withstand sandblasting in designing the structures of these references. This too is further evidence that the combined teachings of the references in Paragraph 9 of Paper No. 10142005 do not teach Applicant's claimed invention.

Regarding claims 9 and 17, Applicant claims that one or more of the dummy barrier ribs have a zig-zag structure as in Applicant's FIG. 9. In Paragraphs 8 and 9 of Paper No. 10142005, the Examiner rejected these claims using a primary reference and Yoo. Applicant objects. Applicant submits that there is no teaching or suggestion in any of the applied prior art references of a zig-zag structure for a dummy barrier rib or for any barrier rib. Because of this, Applicant submits that there is no merit in rejecting Applicant's claims 9 and 17.

Further, Applicant submits that this feature of the zig-zag dummy barrier rib was never discussed, addressed or examined in Paper No. 10142005. For this reason, Applicant submits that Paper No. 10142005 is an incomplete Office action in violation of 37 C.F.R. 1.104 (b).

Regarding claims 8, 15 and 18, Applicant claims a connector connecting dummy barrier ribs together as in Applicant's FIG. 10. In Paper No. 10142005, the Examiner rejected these claims using a primary reference and Yoo. Applicant objects. Applicant submits that there is no teaching or suggestion in any of the applied prior art references of a such a connector connecting together dummy barrier ribs. Because of this, Applicant submits that there is no merit in rejecting Applicant's

claims 8, 15 and 18.


Further, Applicant submits that this feature of the connector in the dummy barrier ribs was never discussed, addressed or examined in Paper No. 10142005. For this reason, Applicant again submits that Paper No. 10142005 is an incomplete Office action in violation of 37 C.F.R. 1.104 (b).

Applicant has newly added claims 21 and 22 by this amendment to further emphasize that the sandblasting ability of the reinforcing ribs is superior to that of the non-reinforcing dummy barrier ribs. Entry of and favorable examination is respectfully requested.

A fee of \$100 is incurred for the addition of two claims in excess of 20.

In view of the above debate, the foregoing amendment, and remarks, all claims are deemed allowable and this application is believed to be in condition to be passed to issue. If there is any question, the Examiner is asked to contact the Applicant's attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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